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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT

(Placer)

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THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS JAMES MEDLOCK,

Defendant and Appellant.

C087230

(Super. Ct. No. 62150509)

Appointed counsel for defendant Thomas James Medlock asks this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

## BACKGROUND

Defendant and his girlfriend, the victim, got into an argument and the argument became physical. Defendant attempted to restrain her from getting out of her car and she fell to the ground. The victim tried to flee from defendant, but he continued to hold her until a good Samaritan intervened. About two months later, while defendant was in custody on those charges, defendant called the victim, hiding his identity by using another inmate's account number, and asked her to come to court and lie for him so the judge would dismiss the case. He asked her to leave town and not return for trial. Defendant also had a prior strike conviction and served a prior prison term.

The People charged defendant with vandalism over \$400 (Pen. Code, § 594, subd. (b)(1) - count one),<sup>1</sup> unlawful driving/taking a vehicle (Veh. Code, § 10851, subd. (a) - count two), second degree robbery (§ 211 - count three), attempted kidnapping and kidnapping (§§ 664/207, subd. (a) and 207, subd. (a) - counts four and six, respectively), criminal threats (§ 422 - count five), injury to a spouse or cohabitant (§ 273.5 - count seven), stalking (§ 646.9, subd. (b) - count eight), and misdemeanor violation of a court order (§ 273.6, subd. (a) - count nine). The People also alleged defendant had a prior strike conviction (§§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)) and had served seven prior prison terms (§ 667.5, subd. (b)). An amended charge of witness tampering (§ 136.1, subd. (a)(1) - count ten) was later added.

Defendant pleaded no contest to spousal abuse and witness tampering and admitted the prior strike conviction and one prior prison term, for a negotiated term of 11 years in prison. The trial court dismissed the remaining counts and allegations on the People's motion. The trial court sentenced defendant in accordance with the plea to an

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

11-year term. The trial court awarded him 313 days of presentence custody credits, imposed a \$3,500 restitution fine (§ 1202.4) and imposed and stayed an identical parole revocation fine (§ 1202.45), and ordered him to pay various fines and fees.

Defendant appeals. The trial court denied his request for a certificate of probable cause.

## DISCUSSION

Counsel filed an opening brief setting forth the facts of the case and requests that we review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised of his right to file a supplemental brief within 30 days of the date of filing of the opening brief.

Defendant filed a supplemental brief alleging the trial court did not assess his ability to pay restitution, the victim filed a false police report, and the public defender's office knowingly allowed him to be prosecuted based on a false police report. Without a certificate of probable cause, defendant cannot raise issues on appeal that challenge the validity of the plea. (§ 1237.5; *People v. Panizzon* (1996) 13 Cal.4th 68, 74–77.) Both claims involving the false police report challenge the validity of the plea. Accordingly, these issues are not cognizable on appeal.

As to defendant's claim the trial court did not consider his ability to pay the restitution fine, defendant did not object to the imposition of the restitution fine in the trial court. Accordingly, the matter is forfeited on appeal. (*People v. Gibson* (1994) 27 Cal.App.4th 1466, 1469 [trial court's alleged failure to consider defendant's ability to pay restitution fine forfeited by failure to object].)

Having examined the record, we find no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The judgment is affirmed.

HOCH, J.

We concur:

/s/  
BUTZ, Acting P. J.

/s/  
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MURRAY, J.